

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 9455

PERMIT 5428

LICENSE 2837

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND POINT OF DIVERSION

WHEREAS:

1. Petitions for change in purpose of use and point of diversion under License 2837 have been filed with the State Water Resources Control Board.
2. License 2837 was issued to Eva M. Arnerich and was filed with the County Recorder of Santa Clara County on August 29, 1946.
3. License 2837 was subsequently assigned to Santa Clara Valley Water District.
4. The Board has determined that good cause has been shown for these changes in purpose of use and point of diversion, will not operate to the injury of any other legal user of water involved.
5. The State Water Resources Control Board has duly authorized the Chief, Division of Water Rights, to sign this order.


NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to change the purpose of use under License 2837 to purposes of use as follows:

IRRIGATION, DOMESTIC AND INDUSTRIAL

2. That permission is hereby granted to change the point of diversion to a point of diversion described as follows:

At Masson Diversion Dam, N. 1550 feet and W. 1350 feet from SE corner Section 18, T8S, R1E, MDB&M being within NW¼ of SE¼ of said Section 18.


R. L. Rosenberger, Chief
Division of Water Rights

Dated: AUGUST 11 1978



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE 2837

PERMIT 5428

APPLICATION 9455

Page of Assignment (Over)

THIS IS TO CERTIFY, That **Eva M. Arnerich-Irrigation Water Service**
Los Gatos, California

has made proof as of **May 18, 1944**
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
Guadalupe Creek in Santa Clara County

tributary to **San Francisco Bay**

for the purpose of **Irrigation use**
under Permit **5428** of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **November 16, 1935;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **seventy-seven hundredths**
(0.77) cubic foot per second from about October 1 to about May 1 of each season.

In case of rotation the equivalent of such continuous flow allowance for any
thirty day period may be diverted in a shorter time if there be no interference
with other vested rights.

This license is based on the use of water made during the year 1943 which
was the year of maximum use within the three year period immediately preceding
the date of inspection.

The point of diversion of such water is located **North eleven hundred ten (1110) feet**
and West fifteen hundred sixty (1560) feet from the Southeast Corner of Section
18, T 8 S, R 1 E, M.D.B. & M., being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 18.

A description of the lands or the place where such water is put to beneficial use is as follows: **2846 acres**
lying approximately within the area bounded on the North by Foxworthy Road, on the
West by Los Gatos Creek, on the South by Blossom Hill Road and on the East by Kirk
Road and Dent Avenue; being within projected Sections 1, 2, 10, 11, 12, 13, 14, 15 and
16, T 8 S, R 1 W, and Sections 6, 7, 8 and 18, T 8 S, R 1 E, M.D.B. & M. as shown on
a map filed with the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of August, 1946

EDWARD HYATT, State Engineer

By A. D. Edmonston
A. D. Edmonston Deputy State Engineer



11/30/51 RECEIVED NOTICE OF ASSIGNMENT TO Almaden Water Co.
8/13/58 RECEIVED NOTICE OF ASSIGNMENT TO Lawrence Properties Co.
8/13/58 RECEIVED NOTICE OF ASSIGNMENT TO Santa Clara Valley Water
Comp. Dist.
7-15-68 RECEIVED NOTICE OF ASSIGNMENT TO Santa Clara County
Flood Control & Water District
1-7-74 Name changed to Santa Clara
Valley Water District

LICENSE 2837

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Eva M. Arnerich-Irrigation

Water Service

DATED August 21, 1946